

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**United States of America**

**vs.**

**(1) Ernesto Gutierrez-Martinez**

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**NO: SA:18-CR-00722(1)-OLG**

**FORM NOTICE TO:**

- (A) WAIVE PERSONAL APPEARANCE AT ARRAIGNMENT AND ENTER PLEA OF NOT GUILTY, OR ALTERNATIVELY PROVIDE STATEMENT REGARDING CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE;**
- (B) WAIVE MINIMUM TIME TO TRIAL; AND**
- (C) CONSENT TO DISPOSITION OF MISDEMEANOR OFFENSE BY A UNITED STATES MAGISTRATE JUDGE**

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**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT AND ENTRY  
OF PLEA OF NOT GUILTY**

NOW COMES Defendant in the above-referenced case who, along with his/her undersigned attorney, hereby acknowledges the following:

- 1) Defendant has received a copy of the charging document in this case.
- 2) Defendant has read the charging document or had it read to him/her.
- 3) Defendant understands he/she has the right to appear personally with his/her attorney before a Judge for Arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he/she will be so arraigned in open Court.

Defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the charging document and, by this instrument, tenders his/her plea of "not guilty". The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes. Defendant request the Court accept his/her waiver of appearance and enter a plea of "not guilty."

Date 3-15-19 Defendant DAVID E. Dilley  
Date 3-15-19 Name of Attorney for Defendant (Print) DAVID E. Dilley  
Signature of Attorney for Defendant [Signature]

**THIS WAIVER FORM MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON THE DAY BEFORE THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED BY THAT TIME, THE DEFENDANT AND DEFENDANT'S ATTORNEY MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.**

**STATEMENT REGARDING CONSENT TO ARRAIGNMENT BY  
VIDEO TELECONFERENCE**

The U.S. Magistrate Judge may conduct arraignment by video teleconference if the defendant consents. *See* FED. R. CRIM. P. 10(c).

**PLEASE INDICATE YOUR CONSENT OR NON-CONSENT TO AN ARRAIGNMENT  
BY VIDEO TELECONFERENCE BELOW:**

       **I CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE**

       **I DO NOT CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE**

Date \_\_\_\_\_ Defendant \_\_\_\_\_  
Name of Attorney for Defendant (Print) \_\_\_\_\_  
Date \_\_\_\_\_ Signature of Attorney for Defendant \_\_\_\_\_

**NO RESPONSE OR OMISSION OF THIS PAGE WILL BE INTERPRETED AS AN INDICATION THAT THE DEFENDANT INTENDS TO CONSENT TO THE MAGISTRATE JUDGE CONDUCTING THE ARRAIGNMENT BY VIDEO TELECONFERENCE.**